

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Request for (1) a front yard setback variance from 25 feet to 12 feet 2.5 inches and (2) a side yard setback variance from 10 feet to 8 feet 2.5 inches for a proposed garage addition in R-1AA (Single Family Dwelling District); David Spencer (applicant).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

**Agenda Date** July 24, 2006 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

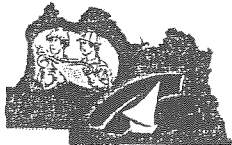
**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for (1) a front yard setback variance from 25 feet to 12 feet 2.5 inches and (2) a side yard setback variance from 10 feet to 8 feet 2.5 inches for a proposed garage addition in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for (1) a front yard setback variance from 25 feet to 12 feet 2.5 inches and (2) a side yard setback variance from 10 feet to 8 feet 2.5 inches for a proposed garage addition in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: David Spencer Location: 119 Beasley Road Zoning: R-1AA Subdivision: Alafaya Trail (Lot 27)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a garage addition approximately 33 feet by 30 feet that would encroach 12 foot - 9 ½ inches into the required 25 foot front yard setback and encroach 1 foot - 9 ½ inches into the required 10 foot side yard setback.</li> <li>• Beasley Road is an improved dead end road.</li> <li>• There are currently no code enforcement or building</li> </ul>

	<p>violations for this property.</p> <ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"><li>• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.</li><li>• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.</li><li>• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:</li><li>• Any variance granted shall apply only to the garage addition as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.</li></ul>

RECEIVED JUN 05 2006



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 2201)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BU2006-105

## APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

## APPLICATION TYPE:

- ☒ **VARIANCE** Front yard set back variance from 25' to 12' 2.5" for proposed garage addition
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ EXISTING (YEAR \_\_\_\_\_) ☐ PROPOSED (YEAR \_\_\_\_\_)
- ☐ REPLACEMENT (YEAR \_\_\_\_\_) SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	David R. Spencer	
ADDRESS	119 Beasley Rd Oviedo, FL 32765	
PHONE 1	407 963 7111 (c)	
PHONE 2	407 380 8188 (w)	
E-MAIL	david.spencer@navy.mil	

PROJECT NAME: Garage additionSITE ADDRESS: 119 Beasley Rd Oviedo FL 32765CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: \_\_\_\_\_

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 27-21-31-505-0000-0270UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER \_\_\_\_\_KNOWN CODE ENFORCEMENT VIOLATIONS NoneIS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 7, 24, 06  
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County  
 Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true  
 and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT\*

DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

*Side set back variance from 10' to 8' 2.5" for proposed garage addition.*

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC****APPELLANT INFORMATION**

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): *200.00* COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING *R-1AA / LDR*

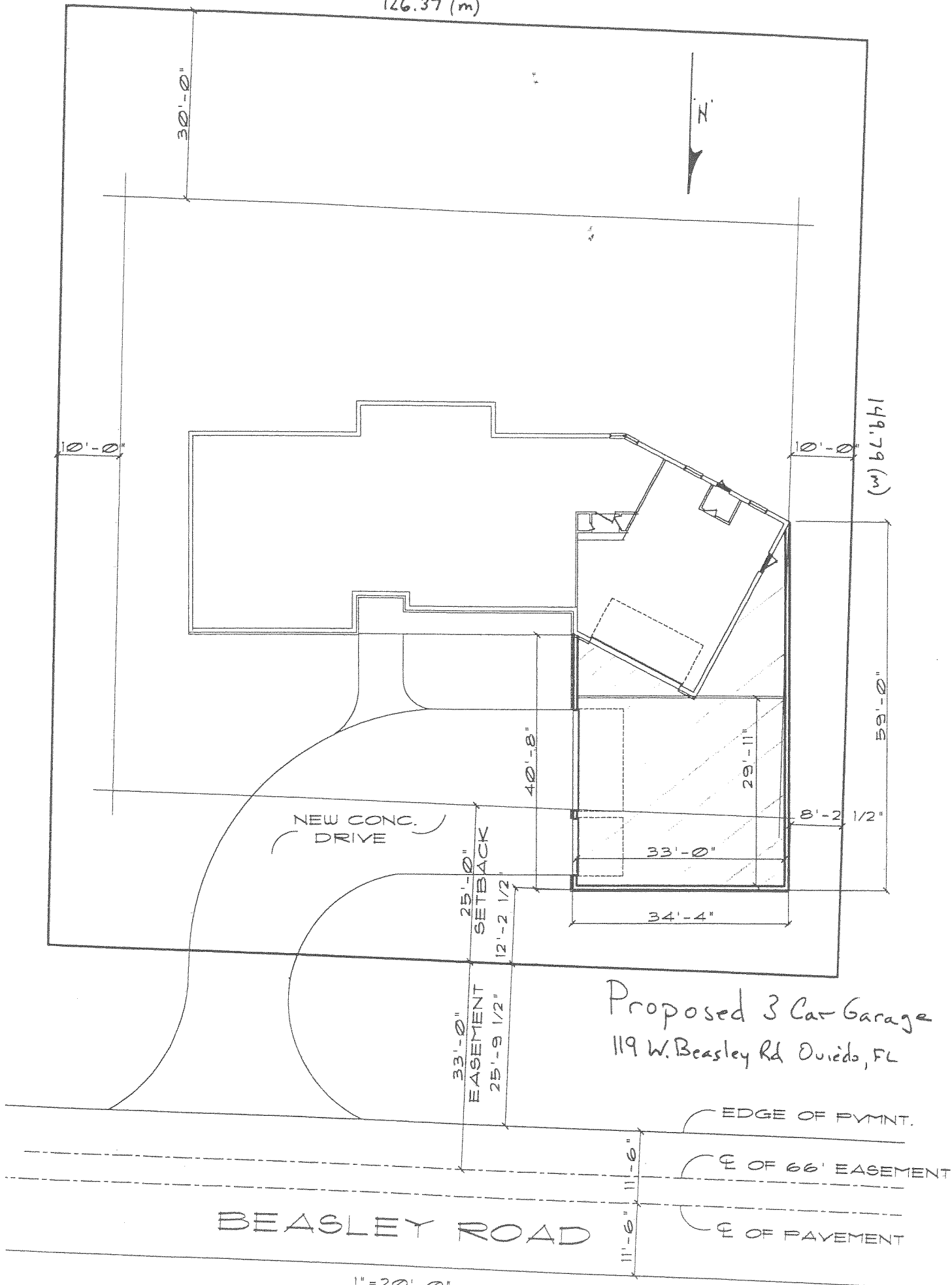
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

126.37 (m)



# MAP OF SURVEY

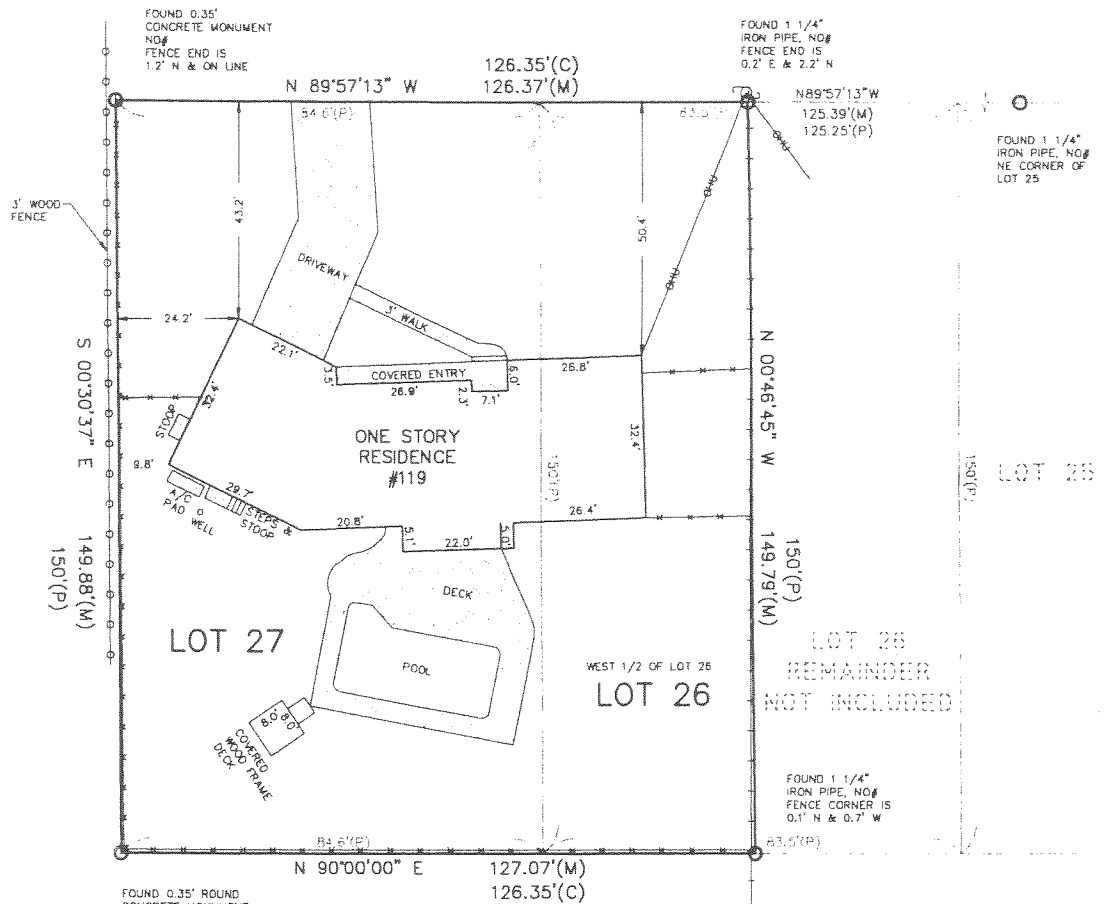
## DESCRIPTION

WEST 1/2 OF LOT 26 AND ALL OF LOT 27 ALAFAYA TRAIL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 96 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

## BEASLEY ROAD

ASPHALT PAVEMENT  
66' RIGHT-OF-WAY

SCALE: 1"=30'



## LEGEND:

WOOD UTILITY POLE & GUY WIRE	NR	NON RADIAL
OVERHEAD UTILITY LINE	RAD	RADIAL
3' CHAIN LINK FENCE	TYP	TYPICAL
4' CHAIN LINK FENCE	PC	POINT OF CURVATURE
CENTERLINE	PT	POINT OF TANGENCY
RIGHT OF WAY LINE	PRC	POINT OF REVERSE CURVATURE
CONCRETE	PCP	PERMANENT CONTROL POINT
(P) PLAT	PRM	PERMANENT REFERENCE MONUMENT
(M) MEASURED	PI	POINT OF INTERSECTION
(D) DESCRIPTION	RP	RADIUS POINT
(C) CALCULATED	A/C	AIR CONDITIONER
	R	RADIUS
	Δ	CENTRAL ANGLE
	L	ARC LENGTH
	CB	CHORD BEARING
	CH	CHORD LENGTH
	ORB	OFFICIAL RECORD BOOK
	PG	PAGE

## CERTIFIED TO:

DAVID SPENCER & GINA SPENCER

PHH MORTGAGE SERVICES INC.

FIDELITY NATIONAL  
TITLE INSURANCE COMPANY

I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 12117C0165 E, DATED 4/17/95 AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.

## GENERAL NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND/OR RIGHT-OF-WAY RECORDS.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 27, BEING N 90°00'00" E, AN ASSUMED DATUM PER PLAT.
3. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
4. DIRECTIONS AND DISTANCES SHOWN HEREON ARE PER RECORDED INSTRUMENT AND FIELD MEASUREMENT, UNLESS SHOWN OTHERWISE.
5. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.

## CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2002

*Gregory S. Locklin*

Gregory S. Locklin, Professional Surveyor & Mapper No. 5810  
Land Surveyor Business No. 8906  
VALID ONLY WITH SIGNATURE AND EMBOSSED SEAL



LOCKLIN & ASSOCIATES, INC.

SURVEYORS & MAPPERS

1417 N. SEMORAN BLVD., ST. 115

ORLANDO, FL. 32807

VOICE: (407) 273-0356 FAX/DATA: 282-7850

DRAWN BY: HW

CHECKED BY: GSL

DRAWING FILE:

F07253SV.DWG

FIELD DATE:

2/19/02

PROJECT No.

F07-253

SCALE:

1" = 30'

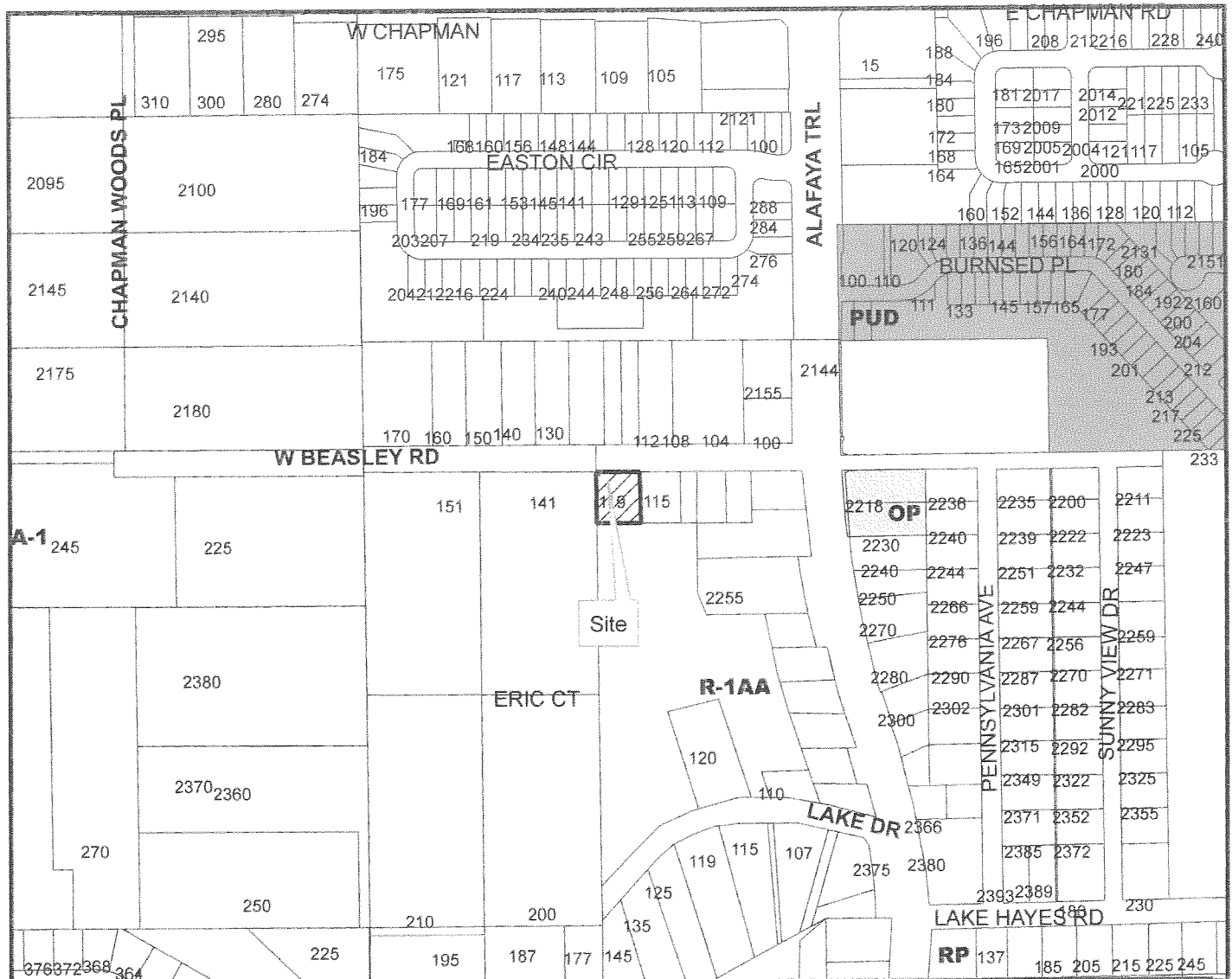
SHEET

OF 1

1

<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		18.0 19.0 20.0 21.0 22.0 23.0 24.0 18 19 20 21 22 23 24 4.0 25 2 1 1.0 <b>W BEASLEY RD</b> 27.0 25.0 24.0 23.0 22.0 21.0 27 26 24 23 22 21 24.0 20.0 20 011C 19 11.0 19																																																									
<b>GENERAL</b> Parcel Id: 27-21-31-505-0000-0270 Owner: SPENCER DAVID R Mailing Address: 119 BEASLEY RD City,State,ZipCode: OVIEDO FL 32765 Property Address: 119 BEASLEY RD OVIEDO 32765 Subdivision Name: ALAFAYA TRAIL SUBD Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY			<b>2006 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$157,285 Depreciated EXFT Value: \$6,171 Land Value (Market): \$85,006 Land Value Ag: \$0 Just/Market Value: \$248,462 Assessed Value (SOH): \$152,810 Exempt Value: \$25,000 Taxable Value: \$127,810 Tax Estimator																																																								
<b>SALES</b> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>11/2004</td> <td>05833</td> <td>0648</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/2002</td> <td>04381</td> <td>1796</td> <td>\$165,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>02/1995</td> <td>02887</td> <td>0506</td> <td>\$126,800</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>09/1994</td> <td>02828</td> <td>0244</td> <td>\$1,000</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1990</td> <td>02208</td> <td>0822</td> <td>\$140,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1987</td> <td>01823</td> <td>0203</td> <td>\$119,900</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1976</td> <td>01094</td> <td>0984</td> <td>\$60,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision			Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	11/2004	05833	0648	\$100	Improved	No	WARRANTY DEED	02/2002	04381	1796	\$165,000	Improved	Yes	SPECIAL WARRANTY DEED	02/1995	02887	0506	\$126,800	Improved	No	CERTIFICATE OF TITLE	09/1994	02828	0244	\$1,000	Improved	No	WARRANTY DEED	08/1990	02208	0822	\$140,000	Improved	Yes	WARRANTY DEED	02/1987	01823	0203	\$119,900	Improved	Yes	WARRANTY DEED	01/1976	01094	0984	\$60,000	Improved	Yes	<b>2005 VALUE SUMMARY</b> Tax Value(without SOH): \$2,724 2005 Tax Bill Amount: \$2,021 Save Our Homes (SOH) Savings: \$703 2005 Taxable Value: \$123,359 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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David Spencer  
119 Beasley Rd  
Oviedo, FL 32765












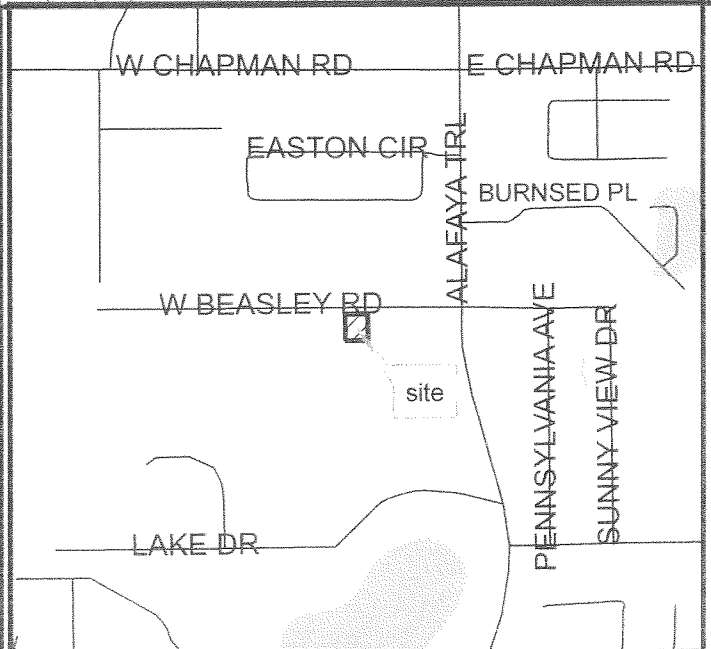
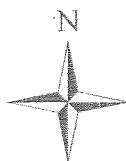
Seminole County Board of Adjustment  
July 24, 2006

Case: BV2006-105

Parcel No: 27-21-31-505-0000-0270

### Zoning

	BV2006-105		RP I
	A-1		OP
	R-1AA		C-1
	R-1A		PUD
	R-2		





1 June 2006

David R. Spencer  
119 West Beasley Road  
Oviedo, FL 32765  
(407)-963-7111 (cell)  
(407)-380-8188 (work)  
david.spencer@navy.mil

Seminole County Board of Adjustment  
1101 East First Street  
Sanford, FL 32771

**Subject: Statement of Request for Variance for West 1/2 of Lot 26 and all of  
Lot 27 Alafaya Trail Subdivision 119 Beasley Road, Oviedo, FL 32765**

Dear Sir/Maam,

Respectfully request front yard setback variance from 25 feet to 12 feet, 2.5 inches and side setback variance from 10 feet to 8 feet, 2.5 inches for proposed garage addition.

The following mitigating circumstances are provided:

- \* The actual centerline of paved West Beasley Road is offset 4 feet north adding an additional 4 feet of clearance between proposed structure (garage addition) and existing paved surface of road (see site plan).

- \* West Beasley Road:

- Is located approximately 2/10 of a mile south of Chapman Road (nearest east-west major artery) connecting SR434 and SR426.
- Is a "dead end" road ending in a residential driveway.
- is an unlikely candidate road for widening/lengthening.

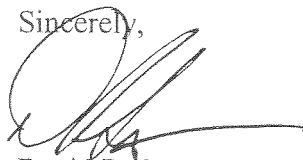
- \* If approved, closest wall (north wall) will be 38 feet from the existing paved surface of West Beasley Road (see site plan).

- \* Structure (residence) on property due west of 119 Beasley Road is approximately 100 feet from structure (residence) located at 119 Beasley Road.

- \* Informal discussions with six immediate neighbors regarding proposed garage addition all positive.

Thank you for your consideration of this request for variance.

Sincerely,



David R. Spencer

## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG Lot 27 and W ½ of Lot 26 Alafaya Trail Sub PB 10 PG 96

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** David Spencer  
119 Beasley Road  
Oviedo FL 32765

**Project Name:** Beasley Road (119)

#### **Requested Development Approval:**

Request for (1) a front yard setback variance from 25 feet to 12 feet 2.5 inches and (2) a side yard setback variance from 10 feet to 8 feet 2.5 inches for a proposed garage addition in R-1AA (Single Family Dwelling District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

### Order

#### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. The variance granted will apply only to the garage addition as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Tony Walter  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: